The
# REPORTER
For Conscience' Sake

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## National SS Recommends No Prosecution

After refusing to submit for induction into the Army in October, 1954, a Mennonite conscientious objector from Ohio and his lawyer wrote Gen. Hershey and requested that he not be prosecuted. The outcome of this request, through the review of the registrant's file by National Headquarters of Selective Service, was a recommendation to the Department of Justice that the registrant should not be prosecuted. Subsequently, the CO received the desired I-O classification from his local board and is now working in the alternative service program.

The basis of this type of action is Operations Bulletin No. 105, issued by National Selective Service. This bulletin states that the Selective Service file of a conscientious objector who has refused induction shall be sent to National Headquarters for determination as to whether or not the CO's case is to be reported to the Department of Justice for prosecution.

The registrant referred to above had consistently been given the I-A-O classification by the local and appeal boards. The attorney, in the letter to Gen. Hershey, claimed, and cited examples to show, that there was no evidence in the filed to support a denial of the I-O conscientious objector classification.

The above action is a suggestion by the National Service Board for Religious Objectors to conscientious objectors who plan to refuse induction and their lawyers. Because the Selective Service file is sent to National Headquarters in Washington, D. C., after the CO refuses induction, it is important that either the lawyer see the file at the local board or the registrant makes copies for his lawyer of all the materals in his file before the file leaves the local board office. If successful, this procedure has the advantage of saving the registrant from the anxiety and hardship of a court trial.

## New Work Agency List Deletes Names Of 320 Agencies and Institutions

A new list of agencies and institutions approved for the employment of conscientious objectors in civilian work of national health, safety, or interest has been released by National Headquarters of Selective Service. This gives the names of over 400 agencies and institutions (an agency may include a great number of institutions, such as the Mennonite Central Committee, a state's Department of Health, New York State Employment Service, and the like). This is about 320 agencies and institutions less than on the former lists.

In Selective Service terminology, their new list gives only the "listed" agencies and institutions. All those dropped by Selective Service are now called "unlisted." The names of the "listed" group of agencies and institutions are supposed to be available at local board offices. However, the names of those regarded as "unlisted" are, in general, still approved for the employment of COs. They are not kept at the local board offices but are on file at state Selective Services offices.

The National Service Board for Religious Objectors has just published a list containing the names of both the "listed" and "unlisted" groups of agencies and institutions. COs may apply for jobs with either "listed" or "unlisted" agencies. This list is available at 35 cents for single copies and special prices on bulk orders.

## Supreme Court Hears CO Cases

### NSBRO Staff Attends

Four conscientious objector - Jehovah Witness cases (Witmer, Gonzales, Simmons, and Sicurella — see November, 1954 REPORTER) were argued before the Supreme Court on February 1 and 2. As this goes to press, no decision has yet been reached by the Court. Throughout the more than five hours of arguments and questioning, at least one NSBRO staff member was observing.

Mr. Haydon Covington, General Counsel of the Jehovah Witnesses, argued for the defense in the four cases. Three attorneys from the U. S. Solicitor General's office presented the government's position.

A full report of the results in these key cases will be made in THE REPORTER when the decisions have been reached.

### I-W FIREMEN

A volunteer fire department has recently been organized at Beatty Memorial Hospital, Westville, Ind. Thirteen of the eighteen members are I-Ws, who also hold six of the eight offices within the Department. The Chief is Don Yoder, a I-W assignee.

**Published by the National Service Board for Religious Objectors**

## *Etter Writes "How Can One Be Religious"*

Orval Etter, Far Western Secretary of the Fellowship of Reconciliation (FOR) has just written a statement entitled, "How Can One Be Religious?" This 16-page release addresses itself to the basic question, "How does one (a conscientious objector) show that he is religious within the meaning of the draft law?"

Drawing on many case histories of conscientious objectors in toil with the draft law, Mr. Etter tries to explain the apparent pattern of many Selective Service and Justice Department officials in finding sincere COs with religious backgrounds to be non-religious. In his search for an explanation, Mr. Etter discovered that many officials decline to define "religion." Too often, he states, does "religion" get confused with "philosophical," "political," or "sociological" views, or a "merely personal moral code."

When Mr. Etter shows that religion and philosophy, for instance, are often intertwined within one's conscientious-objector convictions, the further question arises as to "Must the CO's stand be *exclusively* or *primarily* religious?" His analysis is that a CO's convictions need have only a *substantial religious* basis and that any other answer to the above question would have to be inferred from the law. But until the law or court decisions show which concept is predominant, Mr. Etter urged that COs take the precaution to limit themselves to stating *only* religious bases for their position and avoid, if possible, other views on war.

Conscientious objectors, especially those not from the so-called "historic peace churches," will find this statement of value. Copies of this release are available from Orval Etter, FOR, 905 Creston Road, Berkeley 8, Calif., or the NSBRO, 1105 K Street, N. W., Washington 5, D. C.

### MISSING NAMES

In response to our recent appeal letter, NSBRO received money for literature, REPORTER subscriptions, and gifts from various people, but their names were not included. Information about the following items would be appreciated. Gifts postmarked from Beatrice, Nebr., and Westport, Conn.; gifts and literature orders postmarked from Long Beach and Glendale, Calif. (an unsigned check enclosed); and gifts and REPORTER subscriptions postmarked from Brattleboro, Vt., RFD 1, Archbold, Ohio, and Hillsboro, Kans. (literature ordered also included).

## COs Neglect Services of Appeal Agent

Evidence recently coming to the attention of the NSBRO indicates that many registrants have neglected to call upon the appeal agent for local boards when in difficulty. This evidence also indicates that many appeal agents seem to feel that their services are overlooked by draft boards. In light of this some of them seem unusually willing to give help when called upon by registrants, including conscientious objectors. Recently a CO was given an I-O through the direct intervention of the appeal agent.

The advice of NSBRO to COs in difficulty is that they consider an interview with local board appeal agents. This procedure is especially helpful in cases where the local board does not grant the I-O classification and further action is necessary.

## Draftees Given Early Release

Army draftees may be released for seasonal farm work up to three months before their 24 months of service is ended. This is to prevent a drafted farmer from losing a season of production, according to Department of Defense officials.

If such an early release is received, no penalties are incurred in such areas as reserve obligations, loss of benefits, and the like. Men receiving this early release are treated identically to and are equally obligated as draftees discharged at the end of 24 months of duty.

### AMBROSE GIVEN ARMY DISCHARGE

According to recent word from George Willoughy, CO Services Secretary of the American Friends Service Committee, Martin Ambrose of Fort Leonard Wood, Missouri, was given a discharge reading "General under Honorable Conditions" in keeping with Army Regulation 615-369. This news is encouraging in light of the fact that Martin Ambrose was at one time given a court martial as a conscientious objector and denied a discharge.


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### TIME GIVES BRIEF CO REPORT

Time Magazine in the February 7, 1955, issue published the following paragraph on conscientious objectors. The information was taken from the January, 1955, issue of THE REPORTER.

"Two-thirds of the 3,906 U. S. conscientious objectors currently in alternative civilian service are Mennonites and Amish, the National Service Board for Religious Objectors announced. Next largest group (343): Church of the Brethren. Johovah's Witnesses ranked third with 163, the Quakers fourth with 145."

### JEHOVAH'S WITNESSES NUMBER ONE-HALF MILLION

Information Service reports that there are 510,228 Jehovah's Witnesses in all parts of the world, of whom 193,568 are in North America. This information is found in a book, *Jehovah's Witnesses* by Royston Pike, an English author.

Among other things, the article states, "Witnesses, as a general rule, refuse to serve in the armed forces. They declare that they are not pacifists but neutrals. They are soldiers in the army of Jehovah. They do not take part in the government of the community in which they reside. They scorn politics."

# Stabbed I-W's Expenses Paid

The two conscientious objectors, Floyd V. Friesen and James W. Schmidt, who were severely injured by escaping inmates of the Spring Grove State Hospital (see February, 1955, REPORTER) are recovering very rapidly and are recuperating at their homes in Kansas.

During an interview with the Personnel Manager of the hospital, it was learned that the two men will have all their medical expenses and all future medical expenses relating to these injuries paid by the state employee's insurance plan. They will also receive full pay during their disability, with the first days being covered by accumulated sick leave and the remaining days under a Maryland state law designed to cover such incidents.

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### D.C. ORPHANS HOME APPROVED

The German Orphan Home, 2300 Good Hope Road, S. E., Washington 20, D. C., has been approved for the employment of conscientious objectors in the civilian work program. All assignments will be made through the Mennonite Central Committee, Akron, Penna.

### *Soldiers May Receive "Compassionate Deferment"*

A recent interview with a Pentagon Army officer assigned to the Emergency Return Section, Department of the Army, disclosed the fact that a soldier who is about to be shipped overseas may have his shipment date delayed because of an emergency within his family. Such a delay, called a "compassionate deferment," can be requested by a soldier through his commanding officer at his base.

If the soldier has already sailed for his overseas assignment, the family can request his return by writing to the Department of the Army, Washington 25, D. C.

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### Ulrich Foundation Publishes "Echo"

*The Foundation Echo* is a new publication of the Ulrich Foundation, Inc., of Aibonito, Puerto Rico. The purpose of this monthly publication is to acquaint readers with the work and workers of the Foundation and to present its program. Further information may be obtained from Mrs. Earl Stover at the Ulrich Foundation.

# SS Emphasizes Appeal is Not "From" or "For" A Classification

Renewal of the principle that a registrant does not appeal *from* or *for* a classification, but merely appeals and thus is eligible for any classification which is deemed proper by the appeal board, was expressed in a recent issue of "Selective Service," the monthly publication of National Headquarters of Selective Service.

Referring to two recent 9th Circuit Court of Appeals' decisions, the article states that "a classification thought to be appealed 'from' is as eligible as any if in the minds of the members of the appeal board such is the proper classification." Appealing "for" a classification is technically not possible, because a registrant is to be placed in the lowest possible classification. A registrant may indicate the classification for which he thinks he is eligible.

In the decision of *Albert Clementino v. U. S.*, the court felt that the state appeal board erred in not considering Clementino a conscientious objector when the registrant had a CO classification and appealed his claim as a minister. "The hearing officer concluded (from this appeal to the state board) that the matter of the registrant's classification on the grounds of conscientious objection is not the prime concern of the registrant. In following this recommendation, the appeal board was led into the error of not considering the registrant's eligibility for a CO classification."

In the other decision of *Sterrett v. U. S.* and *Triff v. U. S.*, the court stated that the draft law permits a registrant to appeal "without discrimination as to the cause of his dissatisfaction and without regard to the nature of his claim."

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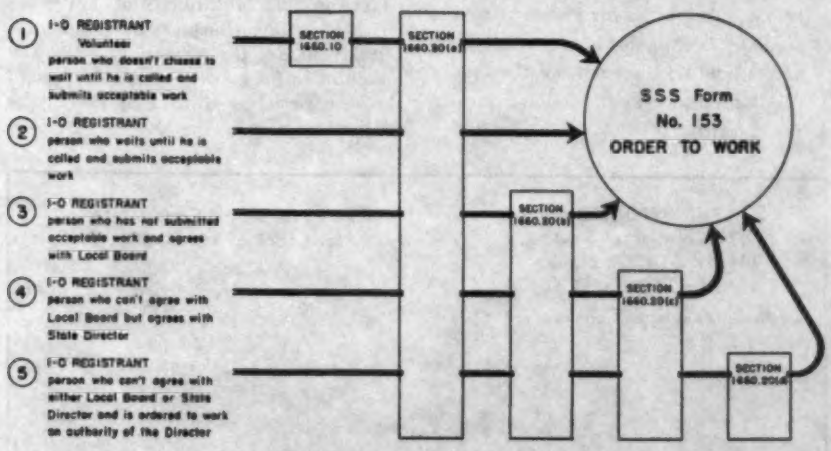
### ALASKA COLLEGE APPROVED

According to recent word, the Sheldon Jackson Junior College, Sitka, Alaska, has been approved for the employment of COs as a part of the Presbyterian Service program.

# SS OUTLINES FIVE WAYS TO RECEIVE WORK ORDER

In a recent directive, Selective Service outlined five ways a I-O registrant can receive the Order to Report for Civilian Work, SSS Form 153. Following is the chart describing these five methods, including the applicable sections of the Regulations. As can be noted these ways are: (1) by volunteering, (2) waiting until called and submitting suitable work; (3) agreeing with local board selection of work; (4) agreeing with state director; (5) order by National Director after not agreeing with State Director.

**FIVE DIFFERENT WAYS A CLASS I-O REGISTRANT CAN BE ISSUED SELECTIVE SERVICE FORM No. 153**



# DRAFT REGULATIONS ARE AMENDED

Changes in the Selective Service Regulations, primarily affecting the following four situations, were recently made: (1) the appointment of advisors to registrants; (2) the mandatory examining of Selective Service records; (3) the receipt of a Notice of Classification (SSS Form 110) by men in alternative service; and (4) the reopening of a classification after mailing of an Order to Report for Induction (SSS Form 252) or an Order to Report for Civilian Work (SSS Form 135). President Eisenhower ordered these changes when he signed Executive Order 10594 on January 31, 1955.

The first mentioned change, affecting Regulation 1604.41, now states that advisors to registrants *may* be appointed. Previously, advisors *had* to be appointed by the Director of Selective Service.

Regulation 1604.71 was amended, as refered to in item 2 above, so as to now require that an appeal agent appeal any "classification of a registrant by the local board which is *brought to his attention* and, in his opinion, should be reviewed by the appeal board." Previously, this section required the appeal agent to examine *all* the records of registrants and determine if an appeal was necessary.

The third major change requires local boards to send a Notice of Classification (SSS Form 110) to all classified registrants except those in the armed forces. Section 1623.4 formerly stated that classification cards shall not be sent to those registrants in either the armed forces or the civilian work program. Thus, all COs assigned to civilian work will now receive a I-W classification card. Both the Registration Certificate (SSS Form 2) and the valid Notice of Classification must be in the personal possession of every registrant at all times, except those in the armed forces.

The last important amendment gives a greater finality of classification to COs who have been given an Order to Report for Civilian Work. Regulation 1625.2 now states that the local board cannot re-open the classification of a registrant after an Order to Report for Induction or an Order to Report for Civilian Work has been mailed to that registrant, except in cases where a change in status was beyond the registrant's control. In the past, only registrants mailed the Order to Report for Induction were affected by this provision.

## "HERSHEY ISSUES LOVE AN ORDER"

"General Hershey Issues Love an Order," the title of an editorial in the *Chicago Tribune* of January 26, 1955, takes to task the Director of Selective Service for issuing an order stating that "pregnancy was a condition over which the registant 'had control'."

This order, Operations Bulletin No. 57 (since rescinded), was challenged in court by Warren E. Talcott, of California. Between the time that Talcott received an order to report for induction and the date of induction, Talcott filed with his local board a notice of his wife's pregnancy. When the local board refused to reclassify him into III-A under the above order, Talcott entered the Army and applied for a release by a *writ of habeas corpus*.

Denied release by the District Court, the 9th Circuit Court of Appeals reversed the lower decision. Their opinion stated:

"We think the contents of the bulletin are morally and legally wrong. It invades the most sacred precinct of family life at a time when there should be the most complete mutuality between the spouses and in face of nature's most demanding and significant urge in nature's scheme for propagating the species. It obliquely charges the youth of the land with corrupting the family relation into a way of avoiding service for cowards."

## *Doty's Convictions Upheld*

The March 5, 1954, convictions of the four Doty brothers, Joel, Orin, Paul, and Sid, were upheld on January 11, 1955, by the 8th Circuit Court of Appeals. The brothers had refused induction in October, 1952, were arrested in March, 1953, and received two-year prison sentences from the District Court in the March 5, 1954, trial. All had previously served sentences imposed in 1951 for refusing to register.

While still on parole from his two year sentence, Joel (the oldest of the brothers) was given a II-A classification because of his essential occupation as a railroad fireman! Six weeks later, after Joel had become 26 years of age, this classification was changed back to I-A and thus his liability for service was extended to age 35.

Orin, Paul, and Sid were also given classifications of I-A by the local board before they had been released from the custody of the court on their previous sentence.

No successful court defense against second prosecutions has yet been devised. Some judges have refused to give sentences to COs who were brought before them on a second charge of violating the Selective Service law, but this kind of action does not generally occur.

## GAEDDERT WRITES ON I-W PROGRAM

Albert Gaeddert, I-W Services Director for the Mennonite Central Committee, wrote an article entitled, "Does the I-W Program Have Possibilities?" which appeared in THE MENNONITE of November 23, 1954. Rev. Gaeddert describes how worthwhile are the services of I-Ws, the possibilities for good by such service, and the positive values which may thereby be received.

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